

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23914 of 2024

Arising Out of PS. Case No.-494 Year-2023 Thana- LAXMIPUR District- Jamui

Birendra Yadav @Biren Yadav SON OF SITARAN YADAV RESIDENT OF
VILLAGE- ANANDPUR, PS- LAXMIPUR, DIST- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Raj, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 22-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Laxmipur P.S. Case No. 494 of 2023 registered for the offence
under Sections 385, 387, 353 and 506 / 34 of the IPC.

3. As per allegation in the FIR, on 04.11.2023 while
the informant Sub Inspector, Mukesh Kumar was on his duty he
received a call from unknown person. The said person told his
name as Birendra Yadav @ Biran Yadav the petitioner herein
and threatened him to withdraw the case No. 493 of 2023 which
was registered against him by the informant and if he would not
withdraw the case, the informant would not be allowed to live in
Laxmipur and would be murdered. The informant again
received another call from the said number at 16.45 O' clock,



the caller told his name as Tuntun Yadav and threatened to withdraw the case otherwise he would be murdered and also threatened to file case under SC/ST Act against him. Informant recorded the said calls. It has been further alleged that on 21.05.2023 the petitioner Birendra Yadav was arrested with loaded arm with cartridges.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Nothing has been recovered from the possession of the petitioner. He further submits that the petitioner is in custody since 13.12.2023.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. On perusal of the FIR and the impugned order dated 21.02.2024, it appears that on the basis of written report the informant registered FIR against three accused persons including the present petitioner. It appears that on telephonic message threatening was given to the informant and the petitioner is in custody since 13.12.2023.

7. Considering the aforesaid facts and circumstances of the case and period of custody, let the petitioner, above named, be released on bail *after framing of charge* on



furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jamui in connection with Laxmipur P.S. case No. 494 of 2023 with further condition that if any FIR is registered for the same nature of offence, it may be deemed to be misuse of bail by the petitioner and the trial Court may cancel the bail bonds of the petitioner even after his release.

8. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 days from the date of receipt of a copy of this order. However, it is made clear that if the charge-sheet is not submitted then the petitioner shall be released on bail on the above conditions and he shall be present physically on each and every date before the trial court till conclusion of trial of this case and if the petitioner remains absent on two consecutive dates without any cogent reason, the bail bonds of the petitioner shall be cancelled by the trial Court itself.

(Ramesh Chand Malviya, J)

saaurabhkr/-

U		T	
---	--	---	--

